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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/585,933

06/02/2000

Brig Barnum Elliott

00-4013

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01/12/2005

VERIZON CORPORATE SERVICES GROUP INC.

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EXAMINER

SONG, HOSUK

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,933

Applicant(s)

ELLIOTT, BRIG BARNUM

Examiner

Hosuk Song

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12,14-17 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) 3,13 and 18 is/are ~~withdrawn from consideration~~. Canceled.
- 5) ☒ Claim(s) 1,2,4-8 and 21-23 is/are allowed.
- 6) ☒ Claim(s) 9,14,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 10-12,15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 9,14,19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ober et al(US 6,708,273).

Claim 9: Ober discloses receiving a fixed quantity of encryption bits within a key storage module in (col.84,lines 21-24). Ober disclose retrieving a quantity of encryption bits from a memory of the key storage module connected to a port of a communication device,wherein retrieval depletes a total amount of encryption bits stored in the key storage in (col.10,lines 5-15 and fig.6). Ober discloses encrypting data transmitted from communication device using quantity of encryption bits in (fig.1).

Claim 14: Ober discloses a key storage module configured to store a fixed quantity bits in a memory of key storage module in (col.84,lines 21-24). Ober disclose a communication device configured to retrieve a quantity of encryption bits from memory of key storage module, wherein retrieval depletes the fixed quantity of encryption bits stored in the key storage module in (col.10,lines 5-15 and fig.6). Ober discloses encrypts data transmitted from communication device using quantity of encryption bits in (fig.1).

Claim 19: Ober discloses storing fixed quantity of encryption bits in a memory in (col.84,lines 21-24). Ober discloses retrieving a quantity of encryption bits from memory wherein

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retrieval depletes from fixed quantity of encryption bits stored in the memory(col.10,lines 5-15 and fig.6). Ober discloses encrypting data transmitted from system using quantity of encryption bits in (fig.1).

Claim 20: Ober discloses receiving a fixed quantity of encryption bits within a key storage module in (col.84,lines 21-24). Ober disclose retrieving a quantity of encryption bits from a memory of the key storage module connected to a port of a communication device,wherein retrieval depletes a total amount of encryption bits stored in the key storage in (col.10,lines 5-15 and fig.6). Ober discloses encrypting data transmitted from communication device using quantity of encryption bits in (fig.1).

Allowable Subject Matter

2. Claims 1-2,4-8,21-23 are allowed.

Claims 1,21: Prior art of record does not teach transporting key storage module to a data production device;supplying first collection of encryption bits from module to data production device and deleting first collection encryption bits from memory of key storage module and encrypting data produced by data production device using first collection of encryption bits.

Claims 22,23: Prior art of record does not teach determining whether retrieval depletes stored encryption bits below a predetermined amount;receiving a second quantity of encryption bits from a key supply based on the determination and storing second quantity of encryption bits in memory of key storage module,wherein second quantity of encryption bits replenishes a total amount of encryption bits stored in key storage module.

Claims 2,4-8 are allowed because of dependency.

3. Claims 10-12,15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to applicant's arguments

4. Claims 1-2,4-12,14-17,19-23 are pending. The previous grounds of rejection based on the Tatebayashi and Fox patents are withdrawn in view of Applicant's arguments in the Amendment filed 8/2/2004. However, newly discovered prior art has necessitated new grounds of rejection. The new grounds of rejection are presented above. The delay in citation of the newly discovered prior art is regretted.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 571-272-3857. The examiner can normally be reached on Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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